

### III. REMARKS

Claims 1-56 are pending in this application. By this amendment, claims 20 and 40 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-15, 19-35 and 39-56 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agrawal *et al.* (U.S. Patent No. 6,606,661), hereafter “Agrawal” in view of Bondarenko *et al.* (U.S. Patent No. 6,389,028), hereafter “Bondarenko.” Claims 16-18 and 36-38 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Agrawal in view of Bondarenko and further in view of Slotnick (U.S. Patent No. 6,011,537), hereafter “Slotnick.”

With regard to the 35 U.S.C. §103(a) rejection over Agrawal in view of Bondarenko, Applicants assert that the cited references do not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 21, and 55 and similarly claimed in claims 41, 54 and 56, Applicants continue to submit that the cited references fail to teach or suggest, *inter alia*, that an enqueued user may remain enqueued while navigating away from the scarce resource. The Office argues that “...the term ‘navigating away from’ is broad. It encompasses opening a new browser to navigate resources as previously explained in prior office actions.” Office Action, page 3. Applicants respectfully disagree. A user that is using a first resource, for example a file download window, and opens another resource, for example a news

site, has not navigated away from the first resource, but has simply navigated to an additional resource. Navigating away from a window with a browser indicates that the browser no longer has access to the information on the window. As such, the opening of a new browser, as in the Office's example, does not navigate away from the first resource, but instead the first browser remains connected to the site. In contrast, the present invention includes "...an enqueued user may remain enqueued while navigating away from the scarce resource." Claim 1. As such, the user as included in the claimed invention does not have to remain connected to the site in order to remain enqueued as in Agrawal and Bondarenko, but instead may remain enqueued while navigating away from the scarce resource. Thus, the queue as included in the claimed invention is not taught or suggested by the queues of the cited references. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims 20 and 40, Applicants respectfully submit that Bondarenko fails to teach or suggest responsive to determining that said access level is currently at a desired maximum, determining whether said scarce resource is able to accommodate immediate access by said late requester. Applicants submit that claims 20 and 40 provide different determinations for a late request, for example of claim 20, hereafter "late request," than for a request as in claim 1, hereafter "normal request." For example, upon receipt of a normal request, the claimed invention, "...responsive to determining that said access level is at a desired maximum, plac[es] said requester in a queue for access to the scarce resource." Claim 1. As such, the requestor of a regular request of the claimed invention is not granted access if the access level is at a desired maximum, but instead is placed in the queue. In contrast, if the request of the claimed invention is a late request from a requester having missed access when

available, it is determined "...responsive to determining that said access level is currently at a desired maximum, ...whether said scarce resource is able to accommodate immediate access by said late requester." Claim 20. Thus, the late requestor of the claimed invention may be granted immediate access even when the access level of the scarce resource is at the desired maximum. Thus, in contrast to the same process of Bondarenko, the claimed invention uses a different determination for late requests than the determination that it uses for regular requests. Thus, the determining step for a late request as included in the claimed invention is not equivalent to the functions of the queue in Bondarenko. Agrawal does not cure this deficiency. Accordingly, Applicants request withdrawal of this rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

**IV. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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Ronald A. D'Alessandro  
Reg. No.: 42,456

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Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

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